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Fifteenth session

SUMMARY RECORD OF THE 304th MEETING

Held at Headquarters, New York,
on Tuesday, 30 January 1996, at 10.15 a.m.

Chairperson: Ms. CORTI

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The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Third periodic report of Hungary (CEDAW/C/HUN/3 and Add.1)

1. At the invitation of the Chairperson, Mr. Náthon and Ms. Kardos Kaponyi (Hungary) took places at the Committee table.

2. Mr. NÁTHON (Hungary) said that human rights could not be considered an exclusively internal matter. It was the legitimate right, as well as a legal and moral responsibility, of the international community to call upon States to fulfil their obligations by respecting human rights and fundamental freedoms. Hungary remained deeply committed to the Convention, which was an integral part of efforts to eliminate all discrimination.

3. The desire to see human rights and fundamental freedoms prevail had been a driving force in the democratic transformation of Hungary, and the Government viewed the national and international protection of human rights as a matter of high priority. Human rights education was provided at all levels of the school system in order to eliminate gender-based discrimination, prejudices and stereotypes.

4. Before the transition to democracy, women's rights in Hungary had included the right to work and to study, so that women had been more than proportionately represented in secondary and higher education. They had also enjoyed an extensively subsidized system of child-care leave and maternity benefits and a social welfare system. The transformation of Hungary's economic and legal system was, in the short term, adversely affecting economic, social and cultural rights that were of critical importance to women. However, following the democratic elections of 1990, the pre-existing de jure political and civil rights of women, including the right of free assembly, had finally become a reality. The Government welcomed the activities of civil organizations as an indispensable part of efforts to combat sexual discrimination.

5. Notwithstanding the difficult economic situation, the Government had complied with its obligations under the Convention and would continue to do so. Recent measures included modification of the family support system as it related to child-care leave and maternity benefits; an increase in the female retirement age from 55 to 60 by the year 2003; and cooperation in the International Labour Organization (ILO) project to educate female employees about their rights.

6. Women belonging to the Roma minority were one of the most vulnerable groups in Hungary: most Roma lived in extreme poverty and had high unemployment rates, their health care and housing situation was serious, and their cultural traditions were vanishing. For the first time, however, representatives of minorities, including the Roma, had been elected in local self-government elections held in December 1994. The Government was also in the process of drawing up, in coordination with the rational Roma self-government authorities,

a programme of action to address the problems of that minority in the areas of education, employment, agriculture, social welfare and discrimination.

7. Ms. KARDOS-KAPONYI (Hungary) said that Hungary's report was substantive, not cosmetic, and that her delegation hoped to determine from its participation in the Committee's work the best structure for promoting the status of women.

8. In what was a difficult economic situation for men and women alike, Hungary's approach was to focus on women's rights from the standpoint of the fundamental rights of the person, while seeking to address the issues raised in the Beijing Platform for Action.

9. In September 1995, the Government had established a national Women's Secretariat in the Ministry of Labour with the aim of promoting the overall equality of men and women. To that end, the Women's Secretariat would participate actively in the preparation, adoption and implementation of Government decisions and legislation which had a bearing on women's equality. Particular importance was attached to establishing a positive relationship with the media as a means of combating stereotypes. At the same time, efforts were being made to promote close cooperation with regional and international organizations such as the Council of Europe, the European Union and the United Nations, particularly the Commission on the Status of Women and the present Committee. Links were also being established with national women's machinery in other European countries. Measures to promote equality must have a horizontal dimension and extend to all sectors.

10. While the Government intended to comply fully with the Convention, the transition was imposing a heavy economic and social burden; as a result, the Convention's provisions were being implemented gradually. During the transition, attention had been focused on respect for human rights and the safeguarding of democracy, so that de facto equality had been somewhat neglected. Although supported by legislation, recognition of the equal value of men and women and its practical implementation were not yet a reality.

11. Hungary supported the objectives of the Beijing Platform for Action. While no major follow-up measures had as yet been implemented, a useful dialogue had been established with non-governmental organizations, trade unions and other groups. In conjunction with ILO, local and regional conferences and workshops had been organized to disseminate the results of the Beijing Conference.

12. The status of Hungarian women was affected primarily by the economy and by politics. The economic recession in Central and Eastern Europe had reached critical levels, worse even than during the Great Depression of 1929 to 1931. The level of economic development in Hungary had dropped to 30 per cent of the Western European average. Unemployment usually affected women more than men, but the reverse was true in Hungary. In more than half of all families, there was only one wage-earner or no wage-earner at all, and some two thirds of the population were experiencing a fall in living standards. Those most seriously affected included the unemployed, families with children and female-headed households. Single elderly women were subsisting well below the poverty line and, with an increasing number of women failing to gain entitlement to a

pension, such poverty was expected to rise. The objective deterioration in the situation was accompanied by a heightened sense of insecurity.

13. Another unfavourable consequence of the transition was the lack of strong, viable and representative women's organizations. The former large, State-sponsored and, in some areas, influential organizations had been dissolved and the new organizations were not yet strong enough to influence Government decisions or lobby for certain objectives.

14. Turning to the list of issues (CEDAW/C/1996/CRP.1), it was not clear whether the sixth general comment referred to non-governmental organizations (NGOs) in general or to women's NGOs. Information on NGOs was available only on those which were actually registered, numbering around 40,000. Their primary objectives were to assist in developing and strengthening civil society in Hungary and in promoting local initiatives in cooperation with local authorities. There were some women's NGOs concerned with environmental issues. Only a small portion of the population was familiar with the Beijing Platform for Action.

Article 2

15. Article 66 of the Hungarian Constitution established the general legal principle of equality of men and women, which had to be interpreted first and foremost as the obligation to ensure de jure equality. As far as her Government was aware, the interpretation of that provision had not given rise to substantially different approaches on the part of lawyers, legislators and women's associations; the differences lay in the methods of seeking remedies. In the case of violation of the principle of equality by a law, the remedy was to lodge a complaint with the Constitutional Court; if the Court found the law unconstitutional, it declared it null and void. If the principle of equality was violated by an act of an individual or a State or local authority, the victim could bring a criminal, civil, family law, administrative law or labour law action in court, depending on the nature of the grievance. In addition, there was a constitutional remedy under section 70 K of the Constitution, whereby claims arising out of the violation of fundamental rights were enforceable before the courts.

16. A central concept of the Hungarian Constitution was that of ensuring equal rights through measures designed to eliminate inequality of opportunities. Hungarian laws concerning civil and political rights, as well as economic, social and cultural rights, guaranteed those rights to women without discrimination. International conventions were not automatically incorporated into domestic law but had to be ratified; however, Hungary had ratified the main human rights instruments.

17. No substantial changes had taken place in family, civil and criminal legislation since the previous report. However, the courts were increasingly taking into consideration the need for equality between women and men, and recent court decisions had awarded custody of children to husbands more frequently than in the past, on the principle that the children's interests should be paramount.

18. Section 70 K of the Constitution provided an overall remedy for violations of equality. Equality, including de facto equality, did not mean identical treatment; it was sometimes necessary to differentiate between women and men on justifiable grounds. Under article 66, measures to help women gain equality or to assist women on the basis of their biological differences were not regarded as violations of the principle of equality.

Article 3

19. There were specific programmes to assist elderly and disabled persons and ethnic minorities, but they were not specifically focused on women. The family welfare services devoted special attention to disadvantaged women. The churches operated women's voluntary groups which had become increasingly active in the late 1980s, especially in charity work and in providing for the elderly.

20. A number of bodies represented the interests of Hungarian women at an official level. They were the Subcommission on Women of the Parliamentary Commission on Human Rights; the National Mechanism on Equal Policies for Women in the Ministry of Labour; the Social Council of the Ministry of Welfare; and the women's sections of trade unions and political parties. Before new laws and regulations could be passed, however, comprehensive deregulation needed to be completed.

21. There were no data on the number of court cases brought by women on grounds of discrimination; however, a computer system was being introduced and it might be possible to provide such data in the future.

Article 4

22. There were several anti-discriminatory provisions in the area of labour law, for instance, article 2 of the Employment Act, which prohibited discrimination in employment while allowing for the possibility of additional rights for persons who were at a disadvantage in the labour market. That provision was further developed in article 5 of the Labour Code. The Government was aware that some of the special measures aimed at accelerating de facto equality between men and women might result in the maintenance of unequal standards, especially in the field of employment policy. However, some such measures were still considered necessary: for example, the prohibition of some forms of heavy labour for women, and differentiated treatment in retirement policy. In that respect, Hungary was trying to harmonize its laws with European Union practice and to establish the same retirement policy for men and women.

23. Women's underrepresentation among the unemployed could be explained by the concentration of job losses in industries dominated by men, even though women in such industries had been equally affected by lay-offs. At the same time, job opportunities in female-dominated areas such as education, public administration and health care had remained constant, and there had been attempts to increase employment in trade and financial services, where women predominated. Special measures to improve women's position in the labour market were envisaged in the medium and long term, provided that they were based on a broad social consensus. The commitments of the Women's Secretariat were outlined in paragraph 177 of the addendum to the report (CEDAW/C/HUN/3/Add.1).

24. In a re-privatized national economy, the Government could control only the State sector, or about 30 per cent of enterprises and budget-financed ministries and bodies; in that sector, there was no gender differentiation in job classification or salaries. The educational level of women was slightly better than that of men; however, training and retraining schemes needed to be designed to promote actual job searching by women.

25. According to occupational mobility figures for the period 1973-1983, female social mobility between generations had increased and by the early 1980s had exceeded male mobility. The 1983 mobility survey had revealed that 73 per cent of men and 76 per cent of women belonged to social segments that were different from those of their fathers. It was not yet possible to identify the effects of the change in the political system on mobility. However, since the early 1980s, there had been a steady decline in the number of women from working class backgrounds who entered intellectual occupations. At the same time, there had been increasing movement by women into the small business sector, a development which the Government welcomed.

Article 5

26. Efforts were being made to promote educational programmes in schools on the harmonization of professional and private life, but the results were not yet available. At a time of economic transition, men and women alike were obliged to work longer hours in order to avoid unemployment and also because of financial constraints.

27. No specific preventive measures had been taken in the area of violence against women. The issue of sexual harassment in the workplace had been debated publicly, but no legal steps had been taken. A female member of Parliament had introduced a bill on sexual harassment in the workplace, but it had not been taken seriously; the bill would be reintroduced, since it was very important to regulate the situation in the workplace.

28. The establishment of family welfare services by local authorities could act as a deterrent to domestic violence by helping families to resolve their conflicts and by providing financial assistance in certain cases.

29. Women were protected against rape and indecent assault under articles 197 and 198 of the Criminal Code, which made rape an offence punishable by 8 years of imprisonment and rape under aggravated circumstances punishable by 10 years of imprisonment. Public indecency committed by males against females was also punishable. However, those penalties applied only to acts committed outside marriage or marital cohabitation. The issue of ensuring equal protection against sexual abuse within marriage was a matter of professional debate which so far had not resulted in legislative action. Recently, a Hungarian NGO had lodged a constitutional complaint with the Constitutional Court, requesting the Court to declare the existing legislation unconstitutional on grounds of discrimination against married women. If the legislation was repealed, it was likely that Parliament would pass a law on rape within and outside marriage. Women were protected against other forms of violence by article 170 of the Criminal Code.

30. There was no State system of institutions for helping victims of violent crimes in general and women in particular, but there were several crisis centres for women established and run by NGOs such as Eszter, Nane and Mona. Eszter provided primarily medical and psychiatric assistance to women and Mona maintained a network of women's centres for abused wives and their children.

Article 6

31. There were no statistics on the number of prostitutes in Hungary since there was no system for the registration or licensing of prostitution. Under the old Criminal Code, prostitution had been regarded as a crime; under the amended Code of 1993, prostitution itself was no longer a crime but a minor offence, punishable by a fine of up to 30,000 forint. The procuring and prostitution of others was a criminal offence punishable by imprisonment. The relevant provisions had been amended to bring the Criminal Code into line with the provisions of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

32. In recent years, there had been an upsurge in the number of persons engaging in prostitution, as a result of unemployment and other financial difficulties caused by the transition to a market economy. In other words, there was a clear relationship between the country's current economic situation and the rise in prostitution. While the Government recognized that it must play a leading role in efforts to rehabilitate prostitutes, by offering alternatives such as skills-training courses and providing other forms of support, such efforts could be effective only with the assistance of non-governmental organizations and churches.

33. Although the incidence of HIV/AIDS was not very high, the increasing availability of injectable drugs had prompted the Government to take a number of preventive measures. Initially, the focus had been on biomedical research and the strengthening of laboratory and diagnostic capabilities. Since 1995, half of the available funding had been used for prevention and the other half for action outside the Government health service. Increased attention was being given to vulnerable groups such as people working in the sex industry. There were AIDS hotlines, and special medical centres provided free and anonymous AIDS testing. A special AIDS information, counselling and medical service for prostitutes had been established in Budapest.

34. Available official statistics did not give a breakdown of HIV/AIDS prevalence among people working in the sex industry. The cumulative number of HIV-positive persons since 1985 was 471 (431 males and 40 females), while the cumulative number of AIDS patients since 1986 was 202 (188 males and 14 females), of whom 133 had died.

35. No official data were available on the health conditions of prostitutes, nor on the prevalence of prostitution among particular age groups, although there was a growing tendency for younger people, including children, to become involved in prostitution.

36. Over the past six years, there had been a marked increase in pornographic literature and other products such as video films. Some materials were produced

in Hungary and involved very young Hungarians of both sexes, including children. The necessary legal action had been taken, where possible. According to the latest data, some 8 to 10 pornographic magazines were published regularly. Under the 1993 amendment to article 272 of the Hungarian Criminal Code, pornography offences were liable to up to one year's imprisonment or a fine. The publication of pornographic materials was also prohibited by Act No. XI of 1986 on the activities of the press.

Article 7

37. There were around 50 women's associations in Hungary. No official data were available on the number of male members of such associations. The Hungarian Parliament decided each year which non-governmental organizations, including women's organizations, would receive funding from the State budget. Its decisions were based on the content of the programmes presented by individual organizations. Many of the organizations representing women's interests were members of the sections of the Social Council that dealt with women's issues; within the framework of the Council, they could participate in the process of preparing and reporting on bills affecting women. Since Hungarian non-governmental organizations were not very efficient or well-developed, the Government was encouraging them to cooperate and network in order to increase their impact at the national level and, eventually, at the European and world levels.

38. Women's participation in politics was regrettably low, due to long-standing cultural traditions, the increasingly difficult situation of families and of women in particular, and lack of interest on the part of women. However, the role of women in Hungary's parliamentary parties had recently started to grow. At the initiative of the female members of the Hungarian Parliament, a Subcommission on Women had been established in November 1995 within the Parliamentary Commission on Human Rights. Women played a significant role in the area of social policy: 42 per cent of the delegates in the Social Council were women.

39. Under the socialist regime, a quota system had been introduced to promote women's political participation. Although that system had resulted in higher female representation in politics than was presently the case, it had not reflected the real situation in the country and had therefore not been maintained in 1990 by the first democratically elected Parliament.

Article 8

40. Hungarian women were not excluded from representation at the international level. While the Government did not intend to ensure women's proportionate representation through the introduction of a gender-based quota system, it stressed the importance of appropriate professional skills and qualifications for nomination to senior positions in both domestic and international forums.

Article 10

41. Article 70/J of the Hungarian Constitution required parents and guardians to ensure the instruction of their children, while Act LXXIX of 1993 on public

education prohibited any form of discrimination. As many boys as girls attended primary school, but two thirds of grammar school pupils were girls. Boys tended to continue their studies in apprenticeship schools, where they accounted for two thirds of all students. In its review of textbooks and curricula, the Government intended to reflect the changes that had occurred in the traditional family.

Article 11

42. The Constitution guaranteed mothers support and protection before and after childbirth, and the State assumed part of the costs of child-care leave. Since Hungary's population was ageing, the Government had made support for motherhood and child care a social priority. Fathers were entitled to subsidized child-care leave after the child was one year old or if the mother was unable to care for her child. Fathers were also entitled to child-care allowances, which were granted only to families in need.

43. Family income was not a factor in determining the amount of unemployment benefit, which was calculated on the basis of the individual's total time in employment in the four years preceding unemployment. In 1991, when the Employment Act had come into effect, persons claiming the minimum six-month benefit period had had to certify 11 months of prior employment, while those claiming the maximum two-year period had had to certify all four years of prior employment. That entitlement condition had subsequently changed: the minimum period of entitlement had been reduced to 3 months and the maximum to 12 months, while the period for obtaining certification had remained unchanged. In July 1995, the certification period for persons who had exhausted their entitlements had been reduced to six months.

44. The other decisive element of the unemployment benefit was the replacement rate - the ratio of benefit payments to former gross earnings - which was higher in the initial period of the entitlement and had also changed over the years. In 1991, it had been 70 per cent in the first half of the entitlement period and 50 per cent in the second half. In early 1993, the benefit/wage ratio had risen to 75 per cent, but only for the first quarter of the entitlement period; after that, 60 per cent was the typical compensation rate.

45. There was a guaranteed minimum and maximum level for unemployment benefits. Initially, the minimum benefit had been close to the minimum wage, but in 1993 it had been set at 8,600 forint. If the benefit calculated at the compensation rate applicable for the period of entitlement was below that minimum, the unemployed person received the latter amount. However, if prior earnings had been less than 8,600 forint, the benefit was equal to the prior earnings. In 1991, the maximum benefit had been three times the minimum wage; in 1992, it had been reduced to twice the minimum wage. Since early 1993, the monthly maximums had been 18,000 forint and 15,000 forint respectively in the first and second phases of the entitlement.

46. Unemployment benefit was subject to income tax and a reduced social insurance deduction. Unemployed persons were not entitled to either special supplements for dependants or higher child benefits. Persons who had exhausted their unemployment insurance entitlements were provided with income support if

their per capita family income was less than 80 per cent of the minimum old-age pension. Such assistance had previously been payable for as long as the recipient remained unemployed and in need, provided that he or she was registered with the unemployment office. However, a 1995 regulation had limited the duration of income support to two years; another 180-day period of employment was then required before an additional 45 days of unemployment benefit could be claimed, after which the cycle began again.

47. While the employment situation was very bad for both sexes, the position of women was slightly better than that of men. Women entitled to maternity benefits could not be dismissed from their jobs. There was no training programme for employees threatened with unemployment, although training programmes existed for those already unemployed and for young people. Hungary had been the first country in Central and Eastern Europe to set up a network of human resources development centres, which provided training and retraining for unemployed adults. Women could also take advantage of those services at the end of their maternity leave. Child-care leave was only one factor which contributed to the dramatic drop in employment; other factors included early retirement, disability and continuing education. The number of State-sponsored day-care facilities had decreased as a result of privatization, increased operating costs and the financial difficulties faced by the local authorities which maintained them. Private day-care facilities were far too expensive for the average family.

48. The Constitutional Court had ruled that Parliament had the right to restrict most social and family benefits to those in financial need. However, it had decided that such restrictions should not be retroactive. The new regulations, which would come into force in April 1996, would base the granting of financial support on family income, taking into consideration the number of children and the marital status of the recipient. Benefits would be automatic for families with three or more children and single parents would receive a higher level of support than in the past, but the middle class would suffer.

49. There had been a 25 per cent decrease in national employment rates since 1990, of which women accounted for half. There had also been a drop in the number of employed women over the age of 54, many of whom had previously worked part time while receiving pensions. Pensioners working part time had been the first to be laid off. Since they were unlikely to find other employment, persons laid off less than three years before retirement age were entitled to an early retirement pension if they had worked a sufficient number of years to qualify for an old-age pension; elderly women were frequent recipients of such pensions.

Article 12

50. A new law on abortion, the Protection of Foetal Life Act, had entered into force on 1 January 1993. One purpose of the Act was to regulate the issue appropriately, since the Constitutional Court had declared the previously existing regulation to be unconstitutional; another objective was to achieve broad social consensus on the issue of abortion, which was of the utmost importance in the new socio-political climate.

51. The Act stipulated that pregnancy could be interrupted during the first 12 weeks if the woman's health was seriously endangered, the foetus had a high probability of impairment, the pregnancy had resulted from a criminal act, or the women was in a situation of serious crisis. Pregnancy could be interrupted up until the eighteenth week if, in addition to one of the above-mentioned conditions, the women was fully or partially incompetent or had not realized that she was pregnant because of a health condition or a medical misdiagnosis, or if the 12-week deadline had been exceeded owing to the negligence of a health care institution. Pregnancy could be interrupted up until the twentieth week if there was a 50 per cent or greater probability that the foetus had a serious genetic defect, and an abortion could be performed at any time if the pregnancy threatened the women's life or if the foetus had a defect which made it non-viable. The Act had been adopted following a comprehensive social debate, and the pro-life/pro-choice dilemma had been resolved by introducing the provision for interruption of pregnancy if the women was in a situation of serious crisis. The women herself was responsible for determining whether such a situation existed, and no one had the right to question her statement to that effect. The preparation of the Act had marked the first time that Hungarian women's non-governmental organizations had worked in cooperation.

52. The Act stressed the importance of respecting the dignity of the pregnant woman throughout the abortion procedure. It also regulated the financial benefits and prenatal health care provided to pregnant women by the State. If an abortion was carried out for health-related reasons, it was paid for by the social insurance system; if not, the women must pay for it herself, although certain mitigating circumstances could justify a reduction in the cost of the procedure. Adoption of the Act had resulted in a decrease of nearly 15 per cent in the annual number of abortions; however, the percentage of abortions performed on adolescent girls had doubled over the past few years, a situation which might be remedied by the implementation of sex education programmes. Between 75,000 and 80,000 pregnancies were terminated in Hungary each year, and there had been no maternal deaths as a result of abortion during the past few years. The large number of abortions was attributed to insufficient sex education, inadequate family planning and the rising cost of contraception.

53. Another consequence of the Act had been the establishment of the Family Welfare Service Network, whose task it was to offer information and advice on contraception and to provide compulsory pre-abortion counselling. Since the Service had begun operating, between 4.4 and 5.3 per cent of women per month had decided not to interrupt their pregnancies as a result of receiving counselling. The Service had compiled data indicating that over 50 per cent of women did not use any form of contraception and that young girls almost never did so. The Service's activities were expected to result in an increase in the use of contraceptive methods and, in the long term, in a substantial decrease in the number of abortions. The Service hoped in the future to be able to provide social, psychological, child rearing and marital counselling services. The national core curriculum, which had been adopted but had yet to go into effect, emphasized the importance of sex education in schools. Sex education was also offered by non-governmental organizations and churches.

54. Women must possess Hungarian citizenship in order to benefit from State-subsidized health care during pregnancy. The social security system financial

gynaecological, prenatal and obstetric, infertility treatment and cancer screening. Changes in the health care system had resulted in various temporary provisions which were disadvantageous to women: a reduction in or the termination of subsidies for medicines, including contraceptives, limited coverage for infertility treatment and an increase in the fee for abortion.

55. The Government allocated substantial funding to the campaign against AIDS. Special information, counselling and testing services were provided for women, and a multimedia anti-AIDS campaign in 1995 had resulted in increased awareness that AIDS affected heterosexuals as well as homosexuals: the number of women asking to be tested for the HIV virus had doubled.

The meeting rose at 1.05 p.m.